

Notice of Allowability

Application No.

09/665,941

Applicant(s)

JUN ET AL.

Examiner

Art Unit

Michael W. Hoye

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to (RCE filed on 5/22/07).
2. ☒ The allowed claim(s) is/are 40,43-47,50-54,56 and 58-61 (Renumbered as 1,6,2-4,7,12,8-10,5,11 and 13-16 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☒ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on May 22, 2007 has been entered.

Response to Arguments

2. Applicants' arguments, see pages 10-11 of the Remarks section, filed on May 22, 2007, with respect to the rejection of claims 40-59 under 35 U.S.C. 102(b) as being anticipated by Graves (USPN 5,410,344) have been fully considered and are persuasive. The rejection of claims 40-59 has been withdrawn.

Allowable Subject Matter

3. Claims 40, 43-47, 50-54, 56 and 58-61 are allowed.

The following is an Examiner's statement of reasons for allowance:

Regarding independent claims 40, 47, 58 and 60 (renumbered as 1, 7, 13 and 15 respectively), the prior art, alone or in combination, does not explicitly recite a method implemented by a data processing apparatus, and a software product, tangibly embodied in a machine readable storage medium, for describing user preferences, the software product

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comprising instruction to cause data processing apparatus to perform operations comprising...receiving content description information including a set of content description elements for a multimedia content stream wherein the content description elements represented by the plurality of child preference objects of the first parent preference object form a subset of the set of content description elements for the multimedia content stream including all the limitations as explicitly recited in the claims.

As to the most pertinent prior art of record, the Graves patent (US 5,410,344) discloses a user interface in which an “Overall Feature” rating can be assigned to a recently viewed program (See Fig. 5). The user interface also allows the user to grade selected characteristics of the program. Graves “Overall Feature” rating, however, characterizes not just the selected characteristics but the entire program, including characteristics that are not listed in the user interface. Instead of characterizing the entire program like Graves’ “Overall Feature” rating does, the claim requires the first parent preference object to characterize user preference for the particular combination of the content description elements represented by the plurality of child preference objects. The claim explicitly requires receiving content description information including a set of content description elements for a multimedia content stream, wherein the content description elements represented by the plurality of child preference objects of the first parent preference object form a subset of the set of content description elements for the multimedia content stream. Graves “Overall Feature” characterizes the combination of all characteristics of the program, not just a subset of the set of content description elements for the multimedia content stream. One of ordinary skill in the art would not have been motivated to arrive at the Applicants’ claimed invention by using the teachings of the Graves reference alone

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or in combination. The Graves reference does not teach or suggest the concept of set and subset as described above. In the Applicants' invention, the method and software product as described above is specifically disclosed in the limitations as explicitly recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer
June 15, 2007


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER